

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

| | | |
|------------------------|---|---------------------------|
| STEPHEN P. SQUIBB, |) | |
| |) | No. CV-09-104-JPH |
| Plaintiff, |) | |
| |) | ORDER GRANTING STIPULATED |
| v. |) | MOTION TO REMAND |
| |) | |
| MICHAEL J. ASTRUE, |) | (Ct. Rec. 25) |
| Commissioner of Social |) | |
| Security, |) | |
| |) | |
| Defendant. |) | |

The parties have filed a stipulated motion for remand of this case to the Commissioner for further administrative proceedings (Ct. Rec. 23). The parties have consented to proceed before a magistrate judge (Ct. Rec. 7).

After considering the stipulation, **IT IS ORDERED** that the motion (Ct. Rec. 25) is **GRANTED** and the above-captioned case is reversed and remanded pursuant to sentence four of 42 U.S.C. § 405(g). Upon remand, the Administrative Law Judge (ALJ) will (1) conduct a new hearing, further develop the record and issue a new decision; (2) reevaluate and further develop the medical evidence or record; (3) reevaluate steps two and three of the sequential evaluation process; (4) reevaluate plaintiff's RFC; and (5)

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reevaluate steps four and five of the sequential evaluation process with the assistance of a vocational expert as may be necessary.

Because this remand is pursuant to sentence four of 42 U.S.C. § 405(g) with a remand of the cause to the Commissioner for further proceedings (*See, Melkonyan v. Sullivan*, 501 U.S. 89 (1991)), plaintiff is entitled to reasonable attorney's fees and costs pursuant to 28 U.S.C § 2412(a),(d), upon proper request to this Court.

Accordingly, this court **reverses** the Commissioner's decision.

IT IS FURTHER ORDERED:

1. The parties' stipulated motion for an order of remand (Ct. Rec. 25) is **GRANTED**.

2. Judgment shall be entered for the **PLAINTIFF**.

3. An application for attorney fees and costs may be filed by separate motion.

4. The District Court Executive is directed to enter this Order, forward copies to counsel, and **close** this file.

IT IS SO ORDERED.

DATED this 30th day of March, 2010.

s/James P. Hutton
JAMES P. HUTTON
UNITED STATES MAGISTRATE JUDGE